

AFFIDAVIT
OF
ROBERT HOLTON
IN
OPPOSITION TO MOTION FOR SUMMARY
JUDGMENT

I, Robert Holton, being first duly sworn, upon my oath depose and say that I am the plaintiff in the instant federal lawsuit and are aver as follows:

1. I am aware of the property now known as, "the Frankford Creek Right of Way", aka 4087 Richmond Street.
2. As early as 1990, I worked for Albert Bounocristo, who operated an auto scrap yard/salvage yard/junk yard on the entire parcel of 4087 Richmond Street as part of his business.
3. I did various jobs for the owner while learning the business.
4. In 1994, I first leased the property and the business and ultimately purchased the business and the property from Albert Bounocristo in 2004.
5. I continued to operate the business on the same parcel of land that I knew to be used by the previous owner until October of 2018 when the Licenses and Inspection Department along with the Streets Department at the direction of Councilman Bobby Henon, trespassed on the property and took my personal property without just cause, and removed me from the property.
6. Councilman Bobby Henon caused the Department of Licenses and Inspection to file false or bogus violation notices which later turned into Cease and Desist notices that caused the removal of my operations from the property known as 4087 Richmond Street, together with the Taking and destruction of my business inventory which is a Taking without compensation.
7. Neither I or my counsel have been able to obtain the survey of my property despite driving to the Fifth Survey District and a phone conversation with the District agreeing to send a copy of the survey upon receipt of a letter requesting it and a copy of my deed, more than a month ago.

8. That witnesses for the City, to wit, Darren Gatti and Edward Jefferson, have been less than candid in their testimony given by way of deposition. For instance, Mr. Gatti testified that Councilman Henon was not at the property the day my property was taken by the City, yet I provided counsel for the City a copy of a newspaper article with a picture showing both Mr. Henon and Mr. Gatti in the same photo. Likewise, Mr. Jefferson denied that he offered to withdraw all charges filed against me if I deeded the property to the City.

9. I own the property known as 4087 Richmond Street by adverse possession, having occupied and used the property for more than 21 years without the approval of the City.

10. My use was open, notorious continuous and hostile to the interest of the City.

11. The City trespassed upon my real property and stole my personal property, which was my inventory and tools of my business.

12. I believe that the actions of the City were done in an attempt to reclaim property that the City had abandoned.

13. After the City illegally removed me from my property at 4087 Richmond Street, Darren Gatti caused the deed to my property at 4085 Richmond Street to be transferred out of my name and it took me over a year to get the property back into my name.

14. Councilman Bobby Henon is currently on criminal trial in the Eastern District of Pennsylvania for abuse of his office in using City Departments to punish his enemies and the enemies of his co-defendant John Dougherty, better known as "Johnny Doe".

15. My counsel has been unable to take the deposition of Councilman Henon which deprives me of the opportunity to learn the truth of this matter.

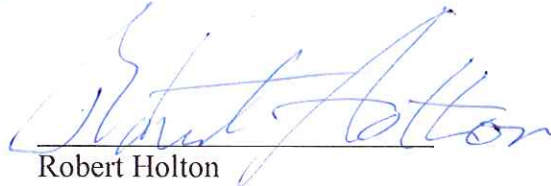
16. I anticipate that Mr. Henon would acknowledge that he was instrumental in having the Department of Licenses and Inspection remove me from the property. Recent testimony in the

criminal trial to the extent that he allowed his friend, John Dougherty, to threaten the then head of the Department over not doing as told.

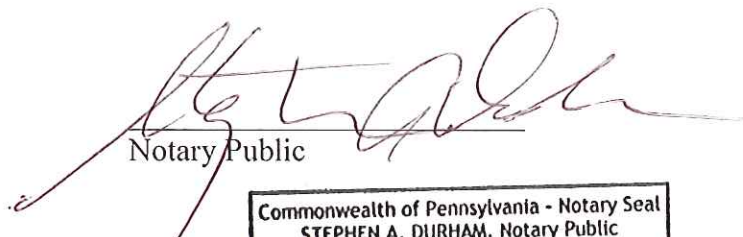
17. The central point of my lawsuit is the conspiracy between Mr. Henon and other City officials to take my property. Mr. Henon has direct information concerning this action and without his testimony I am seriously handicapped in my efforts to seek legal redress.

18. The Takings that I have alleged in my Complaint include the physical removal of my business from 4085 Richmond Street and the removal and destruction of my inventory without paying for it. The Takings constitute violations of my Fifth Amendment Rights.

I certify that the statements contained herein are true and correct to the best of my ability.


Robert Holton

Subscribed, sworn to and acknowledged before me by the above person, this 28th day of October, 2021.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
STEPHEN A. DURHAM, Notary Public
Delaware County
My Commission Expires November 1, 2024
Commission Number 1245777